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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,274	06/01/2001	Motoki Kato	SONYJP 3.0-176	5254

530 7590 09/16/2003

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[REDACTED] EXAMINER

SENFI, BEHROOZ M

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 09/16/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/872,274	KATO, MOTOKI	
	<b>Examiner</b> Behrooz Senfi	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 June 2001.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. (US 6,181,711) in view of Huang et al. (US 5,617,145).

Regarding claims 1 and 7, Zhang '711 discloses "processing apparatus" (i.e. fig. 4), comprising; "a separating unit operable to separate an input multiplexed stream into a first stream of first stream information and a second stream of stream information other than the first stream information" (i.e. fig. 4, separating unit 400, video stream 420, audio stream 422, data stream 424), and "a setting unit operable to set a bit-rate of an output multiplexed stream and controller operable to control coding condition for re-encoding the first stream" (i.e. fig. 4, controller 430, and units 404 – 408, and encoder 410), and "a coding unit operable to re-encode the first stream under the coding condition" (i.e. fig. 4, encoder 410), and "a multiplexing unit operable to multiplex the re-encoded first stream and the second stream to produce the output multiplexed stream" (i.e. fig. 4, multiplexer 412).

Zhang '711 fails to explicitly teach "encoding the first stream on the basis of bit-rate of the second stream and the bit-rate of the output multiplexed stream".

However, the above claimed limitations are well-known in the prior art as evidenced by Huang '145, in particular (i.e. fig. 1, col. 3, lines 15 – 20) teaches encoding video (first stream) on the basis of bit saving obtained in audio coding for improving picture quality.

Taking the combined teaching of Zhang '711 and Huang '145 as a whole it would have been obvious to distribute the bit-rate based on the needs for the video with respect to associated audio for improving picture quality (i.e. col. 3, lines 18 – 19).

Regarding claims 2 and 8, combination of Zhang '711 and Huang '145 teaches "control the coding conditions by determining a bit-rate difference between the bit-rate of the output multiplexed stream and the bit-rate of the second stream and setting the bit rate difference as a bit-rate assigned to the first stream at the time of re-encoding" (i.e. fig. 1, col. 3, lines 23+ of Huang '145).

Regarding claims 3, 9 and 15, combination of Zhang '711 and Huang '145 as discussed above teaches determining the bit saving (bit rate difference) for use in video encoding, which meets the limitation "coding condition includes at least one of the bit-rate difference and a video frame".

Regarding claims 4, 10 and 16, combination of Zhang '711 and Huang '145 teaches "controller is operable to control the coding conditions also based on the first stream information in claim 4" (i.e. fig. 4, 420, 430, and 404 – 408 of Zhang '711).

Regarding claims 5 – 6, 11 – 12 and 17 - 18, combination of Zhang '711 and Huang '145 teaches "re-encoding the first stream at a fixed bit-rate" and "variable bit-rate in claim 6" (i.e. col. 2, lines 33 – 35).

Regarding claim 13, the system and method of bit allocation for video and audio and compression and transmission of Zhang '711 and Huang '145 is computer implemented. Therefore having a program for executing and carrying out the process step would have been obvious.

Regarding claim 14, the limitations claimed are substantially similar to claims 2 and 8, therefore the grounds for rejecting claims 2 and 8 also apply here.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314**

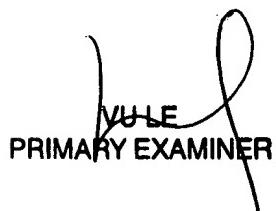
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2613

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

9/5/2003

  
VULE  
PRIMARY EXAMINER